

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

JOHN HERNANDEZ,

Defendant.

4:24CR3008

ORDER

Defendant filed an Opposed Motion to Modify Conditions of Release (Doc. 36). Upon review of the Court, the Court denies Defendant's Motion.

1. Pursuant to 18 U.S.C. § 3142(e)(2)(B) a detention "hearing may be reopened, before or after a determination by the judicial officer, at any time before trial if the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community."
2. On January 25, 2024, Defendant appeared before this Court and knowingly and voluntarily waived his right to a detention hearing.
3. On January 25, 2024, this Court entered a Detention Order (Doc. 33) granting the Government's motion for detention and finding that Defendant shall be detained.
4. The Court has reviewed the facts set forth in Defendant's Opposed Motion to Modify Conditions of Release (Doc. 36) as well as the Pretrial Services Report (Doc. 27), which was taken into consideration by this Court when issuing its Detention Order.
5. The facts set forth in Defendant's Opposed Motion to Modify Conditions of Release (Doc. 36) do not contain facts that were unknown to Defendant at the time the Court afforded him the opportunity for a detention hearing and, further, do not include facts that have a material

bearing on the issue of whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community.

IT IS ORDERED:

1. Defendant's Opposed Motion to Modify Conditions of release is DENIED.
2. The hearing set for January 31, 2024 is hereby cancelled.

Dated this 31st day of January, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca
United States Magistrate Judge